



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

SMC

Docket No: 07870-99

6 April 2000

SGT [REDACTED] III USMC  
[REDACTED]  
[REDACTED]

Dear Sergeant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 19 January 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. The Board was unable to accept your unsupported allegation that the contested page 11 counseling entry was supposed to be an "unofficial" counseling. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure

7870-49



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:

1070  
MI  
19 JAN 2008

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF SERGEANT [REDACTED]  
[REDACTED] USMC

1. We reviewed Sergeant [REDACTED]'s application concerning his request for removal of the Administrative Remarks page 11 entry dated 961126 from his service records.

2. MCO P1070.12H, Marine Corps Individual Records Administration Manual (IRAM), authorizes commanders to make entries on page 11 which are considered matters forming an essential and permanent part of a Marine's military history, which are not recorded elsewhere in the Service Record Book (SRB), medical records, or the Marine's automated record and will be useful to future commanders.

3. One of the many leadership tools that a commander has at their disposal is counseling and rehabilitation for their Marines. Marine Corps policy is that reasonable efforts at rehabilitation should be made prior to initiation of separation proceedings and that commander is authorized to document those efforts by a page 11 counseling entry per the IRAM. The Marine Corps Separation Manual, paragraph 6105, sets forth policy pertaining to counseling and rehabilitation. In cases involving unsatisfactory performance, pattern of misconduct, or other bases requiring counseling under paragraph 6105, separation processing may not be initiated until the Marine is counseled concerning deficiencies, and afforded a reasonable opportunity to overcome those deficiencies as reflected in appropriate counseling and personnel records. All reasonable efforts at rehabilitation should be made prior to initiation of separation proceedings.

4. The following comments concerning the page 11 entry dated 961126 are provided:

a. The counseling entry meets the elements of a proper page 11 counseling in that it lists specific deficiencies and recommendations for corrective action, where assistance can be found and state that the Marine was provided the opportunity to make a rebuttal statement. The Marine must annotate whether or not they choose to make such a statement and if made, a copy of the statement is filed in the service record. Sergeant [REDACTED] acknowledged the counseling entry by his signature and further declined to make a statement in rebuttal.

(3) A2

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[REDACTED] USMC

b. Sergeant [REDACTED] states that the page 11 entry is in error or unjust because "the case was not proven" and that he "was never charged".

c. The instructions contained in paragraph 4012.3y of the IRAM requires the commander to refer to MCO P5300.12, The Marine Corps Substance Abuse Program. Paragraph 1201 of MCO P5300.12 states in part: "Any action taken by a commander in response to an incident of alcohol abuse is reactive in nature. The objectives of the Reactive Phase are to: Confirm an incident of alcohol abuse has occurred; Take appropriate disciplinary, judicial, or administrative action if a violation of the UCMJ has occurred or if the incident involved misconduct or substandard performance of duty."

d. Paragraph 1204 of MCO P5300.12 states "Any alcohol-related misconduct or unsatisfactory performance will be subject to prompt and appropriate administrative action. 'Alcohol-related' means any incident where it is determined that the consumption of alcohol was a contributor. All incidents of alcohol abuse will be the subject of formal command counseling with the Marine involved. Commanders may direct an OQR/SRB entry be made after counseling a Marine for a first alcohol-related incident."

e. Paragraph 4012.3y of the IRAM authorizes "Commanders to direct a SRB entry be made after counseling a Marine for a first or subsequent alcohol-related incident." and "consult MCO P1610.7 for adverse fitness report submission requirements on second and subsequent incidents". Formal counseling was effected by the commanding officer through the use of the Administrative Remarks page 11 of the SRB.

f. Sergeant [REDACTED] addresses particulars why he believes the page 11 entry is in error or unjust, however, he did not submit documented evidence to support this claim. Additionally, his claim that "my fitness reports were not adverse." is irrelevant, the EVENT still occurred.

g. Sergeant [REDACTED]'s commander determined that the information contained in the page 11 entry was of permanent value to his career, thereby documenting this event per the provisions of the IRAM.

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[REDACTED] SMC

5. In view of the above, it is recommended that Sergeant [REDACTED] request for removal of the page 11 counseling entry dated 961126 be disapproved.

6. Point of contact is [REDACTED] Welch at [REDACTED]

[REDACTED]  
Head, Field Support Branch  
Manpower Management Information  
System Division